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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 QUINCY PRICE, ) Case No. CV 15-4591-ODW (PJWx)  
11 )  
12 Plaintiff, ) ORDER SUMMARILY REMANDING IMPROPERLY  
13 ) REMOVED ACTION TO SUPERIOR COURT  
14 )  
15 v. )  
16 ERIKA MCGEE, )  
17 )  
18 Defendant. )  
19 \_\_\_\_\_)

20 Before the Court is an unlawful detainer action that Defendant  
21 Erika McGee removed from the Los Angeles County Superior Court. For  
22 the following reasons, the case is summarily remanded back to that  
23 court.

24 In March 2015, Plaintiff Quincy Price filed an unlawful detainer  
25 action against Defendant Erika McGee in the Los Angeles County  
26 Superior Court, claiming that Defendant owed him \$3,100 in past-due  
rent. On June 17, 2015, Defendant removed the action to this court,  
arguing that there was federal question jurisdiction because the  
resolution of her answer turned on questions on federal law.

27 Generally speaking, federal district courts lack subject matter  
28 jurisdiction over unlawful detainer actions like this one because they

1 are grounded in state, not federal, law and do not become federal  
2 cases when a defendant raises a federal question as an affirmative  
3 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
4 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
5 anticipated defense. . .[or] rest upon an actual or anticipated  
6 counterclaim.") (internal citations omitted). Further, it is clear  
7 from the face of the Complaint that there is no diversity jurisdiction  
8 under 28 U.S.C. § 1332 because, even if Defendant could establish  
9 diversity, the amount in controversy is less than \$10,000. As a  
10 result, Defendant's removal of the action was improper and the case  
11 will be remanded to the Superior Court for further proceedings. See  
12 28 U.S.C. § 1441(a); see also *Gaus v. Miles, Inc.*, 980 F.2d 564, 567  
13 (9th Cir. 1992).

14 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.  
15 § 1447(c), this case is REMANDED to the Superior Court of California,  
16 110 North Grand Ave., Los Angeles, CA 90012; (2) the clerk shall send  
17 a certified copy of this Order to the state court; and (3) the clerk  
18 shall serve copies of the Order on the parties.

19 IT IS SO ORDERED.

20 DATED: June 24, 2015.

21 OTIS D. WRIGHT, II  
22 UNITED STATES DISTRICT JUDGE

23 Presented by:

24 

25 PATRICK J. WALSH  
26 UNITED STATES MAGISTRATE JUDGE

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